

**DRAFT PERMIT**

Permittee: Town of New Milford  
10 Main Street  
New Milford, CT 06776

Attn: Michael Zabra

Permit No.: SCEL-200902955

Permit Type: Stream Channel Encroachment

Town: New Milford

River: Housatonic River

Map No: HT-NMI 7, 6, 5

Pursuant to Connecticut General Statutes Section 22a-342 the Commissioner of Environmental Protection hereby grants a permit to the Town of New Milford (the "permittee") to conduct activities riverward of Stream Channel Encroachment Lines for the Housatonic River in the Town of New Milford in accordance with its application and plans which are part thereof filed with this Department on July 29, 2009 signed by Dennis Dievert Jr. and dated July 15, 2009. The purpose of said activities is to reconstruct a 4300 ft section of Housatonic Avenue in the Town of New Milford. The activity will take place at the Housatonic Avenue from the intersection with Boardman Road to the west to the intersection with Aspetuck Ridge Road to the east riverward of Stream Channel Encroachment Lines associated with the Housatonic River in the Town of New Milford (the "site").

**AUTHORIZED ACTIVITY**

Specifically, the permittee is authorized to widen the road to 24 feet (12-foot lanes) from station 1+00 to 22+50 due to the constraints of Housatonic River, steep slopes, and retaining walls and to widen the remainder of the road to 28 feet to allow for two foot paved shoulders; install a closed drainage system, regrade the roadway surface and install erosion control measures at discharge points; and install a perforated storm drain pipe to properly drain the subbase of the roadway riverward of Stream Channel Encroachment Lines associated with the Housatonic River in accordance with said application and plans which are part thereof entitled "Housatonic Avenue Road Reconstruction", dated October, 2009, submitted on October 26, 2009 and signed by Steven C. Hallowell, P.E. (the "plans").

This authorization constitutes the permits and approvals required by Section 22a-342 of the Connecticut General Statutes and is subject to and does not derogate any present or future property rights or other rights or powers of the

State of Connecticut, conveys no property rights in real estate or material nor any exclusive privileges, and is further subject to any and all public and private rights and to any federal, state, or local laws or regulations pertinent to the property or activity affected hereby.

**PERMITTEE'S FAILURE TO COMPLY WITH THE TERMS AND CONDITIONS OF THIS PERMIT SHALL SUBJECT PERMITTEE AND PERMITTEE'S CONTRACTOR(S) TO ENFORCEMENT ACTIONS AND PENALTIES AS PROVIDED BY LAW.**

This authorization is subject to the following conditions:

**SPECIAL CONDITIONS**

None

**GENERAL CONDITIONS**

1. **Initiation and Completion of Work.** At least five (5) days prior to starting any construction activity at the site, the permittee shall notify the Commissioner of Environmental Protection (the "Commissioner"), in writing, as to the date activity will start, and no later than five (5) days after completing such activity, notify the Commissioner, in writing, that the activity has been completed.
2. **Expiration of Permit.** If the activities authorized herein are not completed by three years after the date of this permit, said activity shall cease and, if not previously revoked or specifically extended, this permit shall be null and void.

Upon the written request of the permittee and without notice, the Commissioner may extend the expiration date

of this permit for a period of up to one year, which period may be extended once for a like period, in order for the permittee to complete activities authorized herein which have been substantially initiated but will not be completed by the expiration date of this permit. Any request to extend the expiration date of this permit shall state with particularity the reasons therefore.

In making his decision to extend the expiration date of this permit, the Commissioner shall consider all relevant facts and circumstances including but not limited to the extent of work completed to date, the permittee's compliance with the terms and conditions of this permit, and any change in environmental conditions or other information since the permit was issued.

Any application to renew or reissue this permit shall be filed in accordance with the Section 22a-3a-5(c) of the regulations of Connecticut State Agencies.

3. **Compliance with Permit.** All work and all activities authorized herein conducted by the permittee at the site shall be consistent with the terms and conditions of this permit. Any regulated activities carried out at the site, including but not limited to, construction of any structure, excavation, fill, obstruction, or encroachment, that are not specifically identified and authorized herein shall constitute a violation of this permit and may result in its modification, suspension, or revocation. In constructing or maintaining the activities authorized herein, the permittee shall not store, deposit or place equipment or material including without limitation, fill, construction materials, or debris in any wetland or watercourse on or off site unless specifically authorized by this permit. Upon initiation of the activities authorized herein, the permittee thereby accepts and agrees to comply with the terms and conditions of this permit.
4. **Transfer of Permit.** This authorization is not transferable without the written consent of the

Commissioner.

5. **Reliance on Application.** In evaluating the permittee's application, the Commissioner has relied on information provided by the permittee. If such information subsequently proves to be false, deceptive, incomplete or inaccurate, this permit may be modified, suspended or revoked.
6. **Best Management Practices.** In constructing or maintaining the activities authorized herein, the permittee shall employ best management practices, consistent with the terms and conditions of this permit, to control storm water discharges and erosion and sedimentation and to prevent pollution. Such practices to be implemented by the permittee at the site include, but are not necessarily limited to:
  - a. Prohibiting dumping of any quantity of oil, chemicals or other deleterious material on the ground;
  - b. Immediately informing the Commissioner's Oil and Chemical Spill Section at 424-3338 of any adverse impact or hazard to the environment, including any discharges, spillage or loss of oil or petroleum or chemical liquids or solids, which occurs or is likely to occur as the direct or indirect result of the activities authorized herein;
  - c. Separating staging areas at the site from the regulated areas by silt fences or haybales at all times.
  - d. Prohibiting storage of any fuel and refueling of equipment within 25 feet from any wetland or watercourse.
  - e. Preventing pollution of wetlands and watercourses in accordance with the document "Connecticut Guidelines for Soil Erosion and Sediment Control" as revised. Said controls shall be inspected by the permittee for deficiencies at least once per week and immediately

after each rainfall and at least daily during prolonged rainfall. The permittee shall correct any such deficiencies within forty eight (48) hours of said deficiencies being found.

- f. Stabilizing disturbed soils in a timely fashion to minimize erosion. If a grading operation at the site will be suspended for a period of thirty (30) or more consecutive days, the permittee shall, within the first seven (7) days of that suspension period, accomplish seeding and mulching or take such other appropriate measures to stabilize the soil involved in such grading operation. Within seven (7) days after establishing final grade in any grading operation at the site the permittee shall seed and mulch the soil involved in such grading operation or take such other appropriate measures to stabilize such soil until seeding and mulching can be accomplished.
- g. Prohibiting the storage of any materials at the site which are buoyant, hazardous, flammable, explosive, soluble, expansive, radioactive, or which could in the event of a flood be injurious to human, animal or plant life, below the elevation of the five-hundred (500) year flood. Any other material or equipment stored at the site below said elevation by the permittee or the permittee's contractor must be firmly anchored, restrained or enclosed to prevent flotation. The quantity of fuel stored below such elevation for equipment used at the site shall not exceed the quantity of fuel that is expected to be used by such equipment in one day.
- h. Immediately informing the Commissioner's Inland Water Resources Division (IWRD) of the occurrence of pollution or other environmental damage resulting from construction or maintenance of the authorized activity or any construction associated therewith in violation of this permit. The permittee shall, no later than 48 hours after the permittee learns of a violation of this permit, report same in writing to the Commissioner.

Such report shall contain the following information:

- (i) the provision(s) of this permit that has been violated;
- (ii) the date and time the violation(s) was first observed and by whom;
- (iii) the cause of the violation(s), if known
- (iv) if the violation(s) has ceased, the duration of the violation(s) and the exact date(s) and times(s) it was corrected;
- (v) if the violation(s) has not ceased, the anticipated date when it will be corrected;
- (vi) steps taken and steps planned to prevent a reoccurrence of the violation(s) and the date(s) such steps were implemented or will be implemented;
- (vii) the signatures of the permittee and of the individual(s) responsible for actually preparing such report, each of whom shall certify said report in accordance with section 9 of this permit.

For information and technical assistance, contact the Department of Environmental Protection's Inland Water Resources Division at (860)424-3019.

7. **Contractor Liability.** The permittee shall give a copy of this permit to the contractor(s) who will be carrying out the activities authorized herein prior to the start of construction and shall receive a written receipt for such copy, signed and dated by such contractor(s). The permittee's contractor(s) shall conduct all operations at the site in full compliance with this permit and, to the extent provided by law, may be held liable for any violation of the terms and conditions of this permit.
8. **Monitoring and Reports to the Commissioner.** The permittee

shall record all actions taken pursuant to Condition Number 6(e) of this permit and shall, on a monthly basis, submit a report of such actions to the Commissioner. This report shall indicate compliance or noncompliance with this permit for all aspects of the project which is the subject of this permit. The report shall be signed by the environmental inspector assigned to the site by the permittee and shall be certified in accordance with Condition Number 9 below. Such monthly report shall be submitted to the Commissioner no later than the 15th of the month subsequent to the month being reported. The permittee shall submit such reports until the subject project is completed.

9. **Certification of Documents.** Any document, including but not limited to any notice, which is required to be submitted to the Commissioner under this permit shall be signed by the permittee, a responsible corporate officer of the permittee, a general partner of the permittee, or a duly authorized representative of the permittee and by the individual or individuals responsible for actually preparing such document, each of whom shall certify in writing as follows:

"I have personally examined and am familiar with the information submitted in this document and all attachments and certify that based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief, and I understand that any false statement made in this document or its attachments may be punishable as a criminal offense in accordance with Section 22a-6 under Section 53a-157 of the Connecticut General Statutes."

10. **Submission of Documents.** The date of submission to the Commissioner of any document required by this permit shall be the date such document is received by the Commissioner. Except as otherwise specified in this permit, the word "day" as used in this permit means the calendar day. Any document or action which falls on a Saturday, Sunday, or

**Permit**  
**SCEL-200902955**  
**Housatonic Avenue**  
**Town of New Milford**  
**Page 8 of 7**

legal holiday shall be submitted or performed by the next business day thereafter.

Any document or notice required to be submitted to the Commissioner under this permit shall, unless otherwise specified in writing by the Commissioner, be directed to:

The Director  
DEP/Inland Water Resources Division  
79 Elm Street, 3rd Floor  
Hartford, Connecticut, 06106-5127

Issued by the Commissioner of Environmental Protection on:

\_\_\_\_\_  
DATE

\_\_\_\_\_  
Gina McCarthy  
Commissioner